

**OFFICIAL MINUTES JUNE 12, 2013  
CITY OF GUNNISON PLANNING AND ZONING COMMISSION  
REGULAR MEETING**

**7:00PM**

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<b>MEMBERS</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
Erik Niemeyer	X		
Erich Ferchau	X		
Andy Tocke	X		
Bob Beda	X		
Greg Larson	X		
Stephanie White	X		
Councilor Stu Ferguson	X		

**OTHERS PRESENT:** City Planner Andie Ruggera, Planning Technician Pam Cunningham, City Clerk Gail Davidson, and Frank Vader.

**I. CALL TO ORDER AT 7:00 PM BY CHAIR GREG LARSON**

**II. PLEDGE OF ALLEGIANCE TO THE FLAG**

**III. SWEARING IN OF NEW PLANNING AND ZONING COMMISSION MEMBERS.** City Clerk Gail Davidson administered the Oath of Office for new Planning and Zoning Commissioners Bob Beda, Greg Larson and Stephanie White.

**IV. ELECTION OF NEW OFFICERS. VICE CHAIR LARSON OPENED THE FLOOR FOR NOMINATIONS FOR CHAIR AND VICE CHAIR.** Councilor Ferguson nominated Greg Larson for Chair. Commissioner Beda seconded the motion. Commissioner Larson accepted the nomination.

Roll Call Yes: Niemeyer, Ferchau, Tocke, Larson, White, Beda, Ferguson  
Roll Call No:  
Roll Call Abstain:  
Motion carried

Councilor Ferguson moved and Commissioner Niemeyer seconded to nominate Bob Beda for Vice Chair. Commissioner Beda accepted the nomination.

Roll Call Yes: Ferchau, Tocke, Beda, Larson, White, Niemeyer, Ferguson  
Roll Call No:  
Roll Call Abstain:  
Motion carried

**V. UNSCHEDULED CITIZENS.** There were none.

**VI. PUBLIC HEARING - CONDITIONAL USE APPLICATION CU 13-2 SUBMITTED BY FRANK VADER TO OPERATE A FUNERAL HOME/MORTUARY SERVICE IN THE CENTRAL BUSINESS DISTRICT (CBD).**

**Open Public Hearing.** Chair Larson opened the Public Hearing at 7:04 p.m.

**Review of Process.** Planner Ruggera reviewed the process for a Conditional Use and provided an overview of the site assessment.

**Applicant Presentation.** Frank Vader addressed the Commission stating that he is applying for a Conditional Use for a location zoned CBD to operate a small mortuary service. He explained that the space is only big enough for an office, meeting room for families and small visitation room. He stated that he recently purchased the remaining assets of the LeChot Funeral Home and has opted to move out of the mall. He has been unable to find a space available in the Commercial zone district.

Councilor Ferguson asked if, since Mr. Vader has purchased the LeChot assets, he is the only mortuary service in town. Mr. Vader responded that he is, and is in the process of partnering with Crippen Funeral Home in Montrose to create Gunnison Funeral Services. Crippen Funeral Home does all of the embalming and has a crematory.

Commissioner Tocke asked if Mr. Vader plans to expand his business in the future. He stated that he hopes to create a funeral home much like the previous Miller's Funeral Home, which was also in the CBD. He said that is a long-term goal and the business would have to move to a different location. He said he would like to eventually buy or build a building.

**Public Input.** There was none.

**Staff Presentation.** Planner Ruggera said that no issues were raised by the staff review. The staff observation is that the use is compatible with the neighborhood. Because the space is not large enough for funerals the use is similar to a professional office. There are no conflicts with the Review Standards and staff is recommending approval with no conditions.

#### **Commission Discussion**

- Commissioner Niemeyer asked if there had been any feedback from adjacent property owners. Planner Ruggera replied that there had been none.
- Commissioner Ferchau asked Mr. Vader if he has talked to his neighbors. Mr. Vader replied that he has not—he said there are very few adjoining properties that are strictly residential—most also have businesses in their home. He hasn't heard from any of the restaurants.

**Close Public Hearing.** Chair Larson closed the public hearing at 7:11 p.m.

#### **ACTION**

During the regular Planning and Zoning Commission meeting held on June 12, 2013, Commissioner moved to APPROVE Conditional Use Application CU 13-2, submitted by Frank Vader to operate a mortuary at 106 South Taylor Street, based on the following findings of fact:

#### **FINDINGS OF FACT:**

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the City of Gunnison *Land Development Code* and the City of Gunnison *Master Plan*.

2. The Planning and Zoning Commission finds that this conditional use application is for a mortuary in the Central Business District zone.
3. The Planning and Zoning Commission finds that a mortuary is compatible with the surrounding neighborhood.
4. The Planning and Zoning Commission finds that the mortuary use does not include funeral or memorial services.
5. The Planning and Zoning Commission finds that 12 off-street parking spaces are located on the site and accessed from the north/south alley.
6. The Planning and Zoning Commission finds that a mortuary will not be a detriment to the community's health, safety and welfare.

Commissioner Beda seconded the motion.

Roll Call Yes: Niemeyer, Ferchau, Tocke, Larson, White, Beda, Ferguson  
Roll Call No:  
Roll Call Abstain:  
Motion Carried

**VII. THREE MILE COUNTY REFERRAL, PRELIMINARY PLAN AND FINAL PLAN APPLICATION FOR A MAJOR IMPACT – MINING OPERATION PROPOSED AS TOMICHI PIT.**

Planner Ruggera gave an overview of the Three-Mile Review process and the Intergovernmental Agreement with the County for the benefit of the new Commissioners. She then gave an overview of the application and the draft letter to the County. She explained that nothing has changed from the sketch plan that the Commission saw in August—this application had more detail and included a Traffic Study and Access Design Plan, letters and certifications including a Wetlands Report, a Cultural Resource Inventory Report and a Mining Operations Air Pollution Emission Control Plan. The draft letter to the County is similar to the letter that the Commission sent in August.

Commissioner Beda asked if Tomichi Creek runs through the site. Planner Rugger stated that it is in the southeast corner.

Councilor Ferguson observed that the mitigation plan includes berms and vegetation screening. He said that developers usually plant sticks and soon they are dead twigs and there is no condition that they have to replace them when they die. He continued, saying that trees provide a visual barrier, improve air quality and dampen noise so they are a wonderful mitigation tool. Chair Larson agreed and said that the Commission could make a request in the letter. The following sentence will be added: *Knowing that trees are used as a visual and sound buffer, the City would ask that the landscaping be maintained in a living state.*

Councilor Ferguson moved to authorize Chair Larson to sign the revised letter and to submit the letter to the County Planning Commission. Commissioner Tocke seconded the motion.

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Roll Call Yes: Niemeyer, Ferchau, Beda, Larson, White, Tocke, Ferguson  
Roll Call No:  
Roll Call Abstain:  
Motion carried

**VIII. CONSIDERATION OF THE MAY 8, 2013 MEETING MINUTES.** Commissioner Tocke moved and Commissioner Niemeyer seconded to approve the May 8, 2013 meeting minutes as presented.

Roll Call Yes: Ferchau, Beda, Larson, Niemeyer, Tocke  
Roll Call No:  
Roll Call Abstain: White, Ferguson  
Motion carried

- IX. COUNCIL UPDATE.** Councilor Ferguson said he is happy to be back with the Planning and Zoning Commission and feels it is one of the most important functions in the community.
- Commissioner Ferchau asked if Council discussed the letter he sent regarding the Access Control Plan. Planner Ruggera interjected that the topic will be on the June 18<sup>th</sup> Council agenda.
  - Council had a discussion [at their June 11<sup>th</sup> meeting] as result of proceeding with construction of the Communication Center. At that meeting Councilor Ferguson expressed his frustration that local contractors don't get bids for government projects. He said that the project is being driven by working backwards from the "move out date" [that the County has given] and that there wasn't any opportunity to try to do something different. Ridgeway Construction (the successful bidder) does have at least one-third [of the project subcontractors] spent on local contractors. Councilor Ferguson took the position that the government agencies should find a way to take the lead with local contractors to help them be successful but also spend wisely and spend dollars in our community. This will be a topic at the City Council retreat on June 15<sup>th</sup>.
    - Chair Larson asked if municipalities could do a training session with contractors to help them to put in qualified bids. Councilor Ferguson responded that if there is enough interest, there might be resources available to help contractors in Gunnison County be successful. They need help to be more competitive, not only here but elsewhere.
    - Commissioner Beda stated that the larger picture is that there is revenue [from contractors from outside Gunnison County] for hotels, restaurants and other services.
    - Commissioner Niemeyer asked if Council has considered some kind of training for the contractors. Councilor Ferguson will bring that up at the retreat. He said that some of the larger organizations are using specific software for bids and the locals don't have that software. Commissioner Niemeyer said that perhaps [the software could be obtained] and the contractors could "check out" the package.
    - Commissioner Ferchau stated that the other challenge is the bonding requirement. There has to be a work-around where the County or the City can provide assistance. It does mean they assume greater risk, but that is part of the challenge. The other is the volume of workforce—the efficiency of the project requires bigger operations. There are fundamental issues that are hard for a small contractor to overcome. Councilor Ferguson responded that the important question is whether the community is willing to accept more risk to keep the business here. The City's purchasing policy allows a three percent preference for locals. Commissioner Ferchau asked if the City can self-bond. Councilor Ferguson replied that it is not always City's choice. The Communications Center [is funded in part by a] state grant

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with strings attached. One of the reasons the City has been able to get DOLA grants is because it is known as making great use of the dollars awarded and projects are completed on time and on budget.

- Commissioner Ferchau asked what the scope of the Council Retreat will be. Councilor Ferguson responded that it is an opportunity for Council members to get acquainted but to also for them to list their priorities for next two years and to share what their constituents say is important.

**X. COMMISSIONER COMMENTS.**

- Commissioner Niemeyer asked Chair Larson about his thoughts on how to proceed to wrap up the *LDC*. Chair Larson replied that “our number one priority is to get the *LDC* finished in the next month or two. After that, we need to look at the *Master Plan* and the *Three Mile Plan*.”
- Commissioner Ferchau stated he has spent time talking with the County regarding the Courthouse plans and “the consideration of how each of those decisions can affect other things in a positive way to stimulate the economy. The fact that WSCU, the ski area and the airport are the key elements of the economy, if we are going to do something how can we make it smoother and build momentum? We think singularly, not about “what if?” to make it a better place.” Chair Larson responded that “we have done that in the *LDC*. We need to always look at the big picture.” Commissioner Ferchau said that “we need to try to rally significant private money to fund things like the Parks and Wildlife Center. People that give that kind of money like to see results. That is why I have tried to encourage that decision-making process.”
- Commissioner Beda observed that the fire danger is high. There is no fire ban in effect now, but we all need to be careful. He asked if the shaved ice business has opened (from the Conditional Use on April 10<sup>th</sup>). [It hasn’t yet.] He also observed that the John Roberts building came down fast.
- Commissioner White said she is excited to here and Commissioner Ferchau encouraged her to ask questions.

**XI. PLANNING UPDATE.** Planner Ruggera updated the Commission on recent activity in the Community Development Office.

- The agenda for the June 26<sup>th</sup> meeting will include a Major Change to a PUD for the Master Drainage Plan for Gunnison Rising and review of the *LDC*;
- The Highway 50 Access Control Plan is on the agenda for a joint City Council / Board of County Commissioners meeting on June 18<sup>th</sup> at 9:30;
- Staff has been working on a grant to the Colorado Water Conservation Board for a river restoration project and a grant to the Federal Lands Access Program for trail development;
- The Building Department has been busy with permits; and,
- Sales tax revenue is up 6%.

**XII. ADJOURN.** Chair Larson adjourned the meeting at approximately 7:58 p.m.

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Greg Larson, Chair

Attest:

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Pam Cunningham, Secretary